



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arlene RAMSINGH *et al.*

Serial No.: 09/879,572

Filing Date: June 12, 2001

For: COXSACKIEVIRUS B4 EXPRESSION
VECTORS AND USES THEREOF

Examiner: Stacey Chen

Group Art Unit: 1648

Atty Dkt: 29025.0001

Customer No. 30827

PATENT TRADEMARK OFFICE

RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This responds to a final Office Action mailed January 26, 2005, the time for responding to which has been extended 1 month with the accompanying Petition for Extension of Time and fee (by deposit account). Applicants believe that extra claim fees are due only for three new independent claims (73, 74 and 75) as the number of cancelled claims thus far exceed the newly added dependent claims.

The following documents are submitted with this Response:¹

1. Appendix A - comprising Figs. 1 and 2 (two pages)
2. Declaration of Steven Tracy, Ph.D., Pursuant to 37 C.F.R § 1.132 (the “Tracy Declaration”) and accompanying copy of his C.V.
3. Declaration of Barbara Weiser, M.D. Pursuant to 37 C.F.R § 1.132 (the “Weiser Declaration”) and accompanying copy of her C.V.
4. Declaration of George F. Vande Woude, Ph.D. Pursuant to 37 C.F.R § 1.132 (the “Vande Woude Declaration”) and accompanying copy of his C.V.;
5. Third Declaration of Arlene Ramsingh, Ph.D. Pursuant to 37 C.F.R § 1.132 (the “Ramsingh-3 Declaration”); and copies of three publications - #6, #7 and #8, below.

¹ All the enclosed Rule 132 Declarations are facsimiles of the original signature copy

6. Jenkins *et al.* 1987. "The complete nucleotide sequence of coxsackievirus B4 and its comparison to other members of the picornaviridae." *J. Gen. Virol.* 68:1835-1848);
7. Ramsingh *et al.* 1989. "Severity of disease induced by a pancreatropic Coxsackie B4 virus correlates with the H-2K^d locus of the major histocompatibility complex. *Virus Res* 14:347-358
8. Ramsingh *et al.* 1992. "Identification of candidate sequences that determine virulence in Coxsackievirus B4." *Virus Res* 23:281-292.
9. GenBank Entry S39291 (CB4 P1 region sequence).

In the pending Office Action, claims 1, 3, 4, 6-15, 17-18, 20-28 and 30-36 were examined on the merits. Claims 2, 19 and 54-72 remain pending but were withdrawn from consideration as drawn to non-elected inventions. Of these, at least claims 54-72 are expected to be rejoined upon indication of patentable subject matter in the pending claims.

All the pending claims have been newly rejected under one or more of 35 U.S.C. § 112, first and second paragraphs and under 35 U.S.C. § 102(b).

Careful consideration has been given to the grounds for rejection and the following amendments and remarks are offered in response. The amendments and remarks, including the four Declarations moot the grounds for rejection. Reconsideration of the pending rejections is respectfully requested, as is entry of this paper.

The Listing of Claims begins at page 3 of this document and runs through page 8.